

## Vendor Complaint Processing

### A. Complaint Filing

Agencies are responsible for ensuring that the vendor is complying with contract specifications. The agency should make a reasonable effort to resolve product or performance problems, concerns, or differences with the vendor, prior to filing a written complaint. Unacceptable or damaged goods and unsatisfactory or poor services are to be reported immediately to the vendor and the buyer upon discovery.

If the issue or problem continues, the agency shall file a complaint when an awarded vendor is not adhering to contract specifications, terms, and conditions.

1. The agency representative shall contact the vendor and buyer to explain the basis for the complaint and offer possible solutions with a specific timeframe for correction or alleviation of the concern or deficiency.
2. The agency representative, when unable to resolve the problem informally, shall enter a formal complaint through Edison with the Purchasing Division.
3. The complaint must be documented in a comprehensive, accurate, and concise manner. The agency representative will use the Edison Vendor Conversation screen to enter the following information:
  - a. Specific details of complaint, such as, vendor name, ID number, complaint type, description including dates, time, location, etc.
  - b. Justification based on specifications, terms and conditions, procedures or requirements specifying noncompliance,
  - c. Summary of informal communications, resolution suggestions or recommendations, and
  - d. Timeline for complaint resolution
4. The agency shall enter a second complaint in Edison if the vendor continues to fail in meeting contract specifications, terms, and conditions.
5. Failure by the agency to follow procedures shall result in the return of the complaint to the agency for editing and revising or canceling of the complaint if it is deemed inaccurate or unsubstantiated.
6. The Buyer will:
  - a. serve as the Contract Administrator,
  - b. assist agencies with any problems related to contracts and purchase orders, and, if applicable, prepare the cancellation packet,

- c. use the Edison Conversation screen to enter complaints received from other contract users other than state agencies,
- d. clarify the contract scope of services and advise the agency in writing of either a temporary or permanent change allowed for in the contract, and
- e. assist the Vendor Complaint Coordinator in working with the agency and vendor to resolve the complaint.

#### B. Complaint Investigation Process

All complaints against vendors forwarded through Edison to the Purchasing Division will be evaluated and resolved in a timely manner.

The Vendor Complaint Coordinator will:

- 1. Coordinate the complaint review and investigation process
- 2. Notify the agency and the buyer, via email, upon receipt of the complaint in Edison. The notification will include a request for a time and date to reach the agency representative by telephone or in person to discuss the complaint.
- 3. Take primary responsibility for investigating the complaint and reporting findings to the buyer and Purchasing Supervisor. The investigation will review, minimally:
  - a. contract specifications, terms, and conditions;
  - b. applicable purchasing practices and policies;
  - c. circumstances and events which led to the filing of the complaint; and
  - d. any additional pertinent information
- 4. Complete the investigation and prepares the letter formally notifying the vendor of the complaint and requesting a written reply. All written communication associated with this process shall be reviewed by the Purchasing Administrator.
- 5. Inform user agency and purchasing division staff of potential problems with products or services, status of complaint resolutions, and prepares related correspondences and reports.
- 6. Maintain vendor complaint files, alphabetical by vendor name, for seven years; then, destroy if vendor has not been debarred.

#### C. Complaint Resolution Process

The Purchasing Division relies upon input from the agency and vendor to resolve all complaints in a fair and timely manner.

A complaint beyond the scope of this policy, such as fraud, theft, or harassment, will be referred to DGS Internal Audit and Compliance for review and investigation.

1. Valid Complaints:

- a. The Vendor Complaint Coordinator will investigate the complaint and notify the buyer and Purchasing Division supervisory and management staff that this allegation is a valid complaint.
- b. If the vendor is a registered diversity vendor, the Vendor Complaint Coordinator will notify GO-DBE of the complaint and will stay in contact with GO-DBE throughout the complaint process.
- c. Once the complaint has been formalized, the Vendor Complaint Coordinator will determine if verbal communication with the vendor could facilitate an expedited resolution to the complaint.
- d. If the complaint is resolved verbally, the Vendor Complaint Coordinator shall document the agreement for resolution in writing and fax or e-mail the agreement to the vendor and agency for concurrence.
- e. The Vendor Complaint Coordinator will enter a brief explanation of the resolution in Edison.

The deadline for the vendor's response is 14 calendar days unless it is determined that a resolution to the complaint must be achieved quickly due to the health, welfare or loss of funds of the agency.

1) Vendor non-response:

- a) On the 15<sup>th</sup> day, if no response is received, the Vendor Complaint Coordinator will send a follow-up letter notifying the vendor that the response has not been received by the 14<sup>th</sup> day deadline and they now have 3-5 days to respond to the second notice.
- b) Contract cancellation and debarment procedures may be initiated after consultation jointly with the Purchasing Director and Purchasing Administrator.
- c) If at any time during the process the vendor responds to the complaint then the vendor response received procedures stated below in Section C.1.e.(2), will prevail.

2) Vendor response received:

- a) The Vendor Complaint Coordinator shall review the response for effectiveness and, if acceptable to Purchasing, forward the vendor response to the agency.
- b) If the agency accepts the vendor response, the Vendor Complaint Coordinator will document in the Edison system and close the complaint. The agency will be responsible for ensuring that the vendor continues to be compliant with the contract.
- c) If the agency rejects the vendor response, the agency will document the reasons for their rejection and notify the Vendor Complaint Coordinator of an acceptable resolution via written communication.
- d) This process shall continue until the complaint is resolved or until the Vendor Complaint Coordinator and the agency determine the complaint irresolvable and notify DGS Internal Audit and Compliance.

2. Invalid Complaints:

The Vendor Complaint Coordinator will notify the agency and document in Edison the reason for the invalid finding.

3. Incomplete Complaints:

If the complaint is deemed incomplete, the Vendor Complaint Coordinator may return the complaint for revisions or editing and may request back-up documentation, such as sign-in logs, photographs, etc. to support the claim.